

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Matthew Gardner**

**Docket No. 7:17-CR-151-1H**

**Petition for Action on Supervised Release**

COMES NOW David W. Leake, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Matthew Gardner, who, upon an earlier plea of guilty to Conspiracy to Commit Wire Fraud, 18 U.S.C. §§ 1349 and 1343, and Conspiracy to Commit Money Laundering, 18 U.S.C. §§ 1956(h) and 1957, was sentenced in the District of New Jersey by the Honorable Jerome B. Simandle, Chief U.S. District Judge, on April 22, 2015, to the custody of the Bureau of Prisons for a term of 25 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Matthew Gardner was released from custody on May 16, 2017, at which time the term of supervised release commenced.

On October 5, 2017, the District of New Jersey was notified that the defendant was charged with Driving While Impaired (17CR54708) in Brunswick County, North Carolina, on September 19, 2017. A request for Transfer of Jurisdiction was also made. On October 23, 2017, the New Jersey ordered the defendant to complete 12 hours of community service within six months.

On November 27, 2017, jurisdiction was transferred to the Eastern District of North Carolina.

On December 12, 2017, the court was notified that the defendant had a new pending charge of Felony Larceny Remove/Destroy/Deactivate Anti-Theft Device (17CR59723) in New Hanover County that was being investigated, and that he tested positive for marijuana on December 4, 2017. The court agreed to take no action on the Larceny charge pending adjudication, and adopted the recommendation to order the defendant to serve two days in jail for the positive drug test and be placed in the DROPS Program at the Second Use Level. Additionally, the court was notified that the defendant was being referred for substance abuse treatment.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On December 14, 2017, the defendant was convicted of the lesser offense of Misdemeanor Larceny (17CR59723) in New Hanover County. He was placed on a 24-month term of imprisonment and ordered to complete 72 hours of community service within 180 days, and to pay a \$250 community service fee and \$200 court costs. He was further ordered not to return to Kohl's Department Store. As the conviction occurred while the defendant was on supervised release, it is recommended that he be ordered to submit to a 30-day period of Location Monitoring (Radio Frequency monitoring) with a curfew as directed by the probation officer. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and

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abide by all program requirements, instructions and procedures provided by the supervising officer.  
The defendant must pay all of the cost of the program.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,


I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ David W. Leake  
David W. Leake  
U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: 910-679-2045  
Executed On: February 6, 2018

**ORDER OF THE COURT**

Considered and ordered this 7th day of February, 2018, and ordered filed and made a part of the records in the above case.

  
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Malcolm J. Howard  
Senior U.S. District Judge